

REMARKS

On November 3, 2009, Applicant conducted a telephonic interview with Examiner Elve to discuss various proposed amendments provided to the Examiner. During the discussion, Applicant and Examiner Elve discussed what appeared to be allowable amendments, which will require additional searching.

Since the Examiner indicated that she “tends to think it’s allowable” and that various other issues in the pending Office Action are moot based on the proposed amendments, Applicant will briefly discuss these amendments and await the Examiner’s Notice of Allowance. However, Examiner also stated that if subsequent amendment is required based on the further searching, she would call Applicant’s representative. Applicant’s representative would appreciate such call, if required.

Status of Claims

Claims 1-13 and 25-36 remain pending in the present application. Applicant has amended Claims 1, 25, 32, 33, 34, 35, and 36. Support for these amendments may be found throughout the Specification. No new matter is being submitted.

35 USC § 103 – Rejection of Claims

The Examiner has rejected Claim 36 under 35 U.S.C. §103(a) as being unpatentable over George (U.S. 4,445,678) in view of Bassoff (U.S. 3,267,581). Applicant has amended Claim 36 rendering this ground of rejection moot.

Applicant has amended Claim 36 to require that the base plate have a slidable motion which is substantially vertical and that the opposed jaws be slidable in a lateral direction. Such vertical motion is not shown by the alleged base plate of George and also Bassoff. Additionally,

the combination of George and Bassoff fails to teach a camming surface that extends from opposed jaws and engages the moveable base plate causing the jaws to move a preselected distance dependant on a distance moved by the base plate.

During the Examiner Interview, Examiner Elve agreed that the vertical motion is not shown in the cited art of record, and further that the combination of George and Bassoff fail to provide the movement of the jaws based on a distance moved by the base plate or vice versa. Accordingly, Applicant respectfully requests this ground of rejection be withdrawn.

The Examiner has also rejected Claim 36 over George in view of Sano. Again, George fails to teach a base plate which moves vertically. The combination of George and Sano also fails to provide any interrelated movement of such base plate with the movement of the jaws or vice versa.

The Examiner has rejected Claims 1-12 and 25-30 under 35 U.S.C. §103(a) as being unpatentable over George and Bassoff and further in view of Baum. Additionally, the Examiner has rejected Claims 1-12 and 25-30 under 35 U.S.C. §103(a) as being unpatentable over George in view of Sano, in further view of Baum. The Applicant has amended Claims 1 and 25 rendering these grounds of rejection moot.

Applicant has amended Claim 1 to recite that the base plate slides in a substantially vertical direction which is substantially perpendicular to the at least one slidable jaw. Applicant has also amended Claim 25 to recite that the first jaw and the second jaw are slidable in a lateral direction which is nonparallel to a substantially vertical sliding motion of the base plate.

During the interview, the Examiner stated that due to the amendments provided, "Baum is a nonissue." As a result, Applicant will not address this reference. Additionally, as previously

described, the combination of George and Bassoff, or George and Sano, fail to teach a slidable base plate having a vertical movement. The references also fail to teach any interconnection between the movement of the slidable jaws and the slidable base plate. As a result, Applicant respectfully requests these grounds of rejection be withdrawn.

The Examiner has rejected Claims 13, 31-33 and 35 under 35 U.S.C. §103(a) as being unpatentable over George, Bassoff, Baum and further in view of Comulada *et al.* Additionally, the Examiner has rejected the same claims and paralleled the previously described rejections by utilizing George, Sano *et al.* and Baum and further in view of Comulada. Applicant discussed these pairs of rejections with the Examiner, and the Examiner again acknowledged the difference in the term “leveling” as used by the Applicant and “level” or “leveling” as used by Comulada. Additionally, the Examiner noted that the amendments provided herein appear to render the case allowable, subject to an additional search. Accordingly, Applicant respectfully requests these grounds of rejection be withdrawn.

The Examiner has also rejected Claim 34 as being unpatentable over George, Bassoff and further in view of Wilkin *et al.* Similarly, Claim 34 has been rejected over George, Sano *et al.* and further in view of Wilkin *et al.* (U.S. 3,842,957). Applicant has again amended the claims as previously described in order to overcome the rejection of George in view of Bassoff, as well as George in view of Sano, and accordingly believes the claim is now in condition for allowance. Applicant respectfully requests these grounds of rejection be withdrawn.

For these reasons, Applicant again respectfully requests that the Examiner remove these grounds of rejection and expedite this case to issuance.

CONCLUSION

Applicant's attorney believes that the instant application is currently in condition for allowance and therefore respectfully requests that the Examiner allow the pending claims. However, if the Examiner believes there are other unresolved issues in this case, Applicant's attorney would appreciate the courtesy of a telephone call at (502) 584-1135 to resolve such remaining issues.

Respectfully submitted,

MIDDLETON REUTLINGER

/James E. Cole/

Date: November 5, 2009

James E. Cole, Reg. No. 50,530
2500 Brown & Williamson Tower
Louisville, KY 40202
(502) 625-2746 direct dial
(502) 561-0442 fax
jcole@middreut.com